

INTERNATIONAL SEARCH REPORT

Internat'l Application No
PCT/NL2004/000616

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G01N33/50

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, EMBASE, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/096309 A1 (STOCKWELL BRENT R ET AL) 22 May 2003 (2003-05-22)	1,4-7, 9-20,25, 26
A	the whole document paragraph '0045! example 4 tables 2-6	2,3,8
X	US 2003/044846 A1 (VERVOORT HELENE C ET AL) 6 March 2003 (2003-03-06)	1,4-7, 9-20,25, 26
A	the whole document paragraphs '0234!, '0235! table 3	2,3,8
	----- -/-- -----	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

17 November 2004

Date of mailing of the international search report

02/12/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Jenkins, G

INTERNATIONAL SEARCH REPORT

International Application No
PCT/NL2004/000616

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 97/20076 A (NEXSTAR PHARMACEUTICALS INC ;SCHMIDT PAUL (US)) 5 June 1997 (1997-06-05) the whole document pages 4-9 -----	1-20,25, 26
A	WO 98/57174 A (NCE PHARMACEUTICALS INC) 17 December 1998 (1998-12-17) the whole document pages 6-16 -----	1-20,25, 26
A	WO 03/017177 A (BEYONG GENOMICS INC) 27 February 2003 (2003-02-27) cited in the application the whole document claim 40 -----	1-20,25, 26

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 21-24

Present claims 21-24 relate to compositions defined by reference to a desirable characteristic or property, namely that they are obtainable by the methods of claims 1-20 and have an impact on the biological profile of a disease.

The claims cover all compositions having this characteristic or property, whereas the application only provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for mixtures A-C (figure 2). However, no information has been provided on the chemical composition of these mixtures - not even which herbs were used as ingredients. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compositions by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, claims 21-24 have not been searched.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NL2004/000616

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 21-24
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Intern: al Application No
PCT/NL2004/000616

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 2003096309	A1	22-05-2003	CA	2459055 A1	13-03-2003
			EP	1432986 A1	30-06-2004
			TW	573125 B	21-01-2004
			WO	03021264 A1	13-03-2003
US 2003044846	A1	06-03-2003	NONE		
WO 9720076	A	05-06-1997	AU	1085297 A	19-06-1997
			WO	9720076 A1	05-06-1997
WO 9857174	A	17-12-1998	US	5885782 A	23-03-1999
			AU	755689 B2	19-12-2002
			AU	7836298 A	30-12-1998
			CA	2293736 A1	17-12-1998
			EP	0986754 A1	22-03-2000
			NZ	501768 A	01-02-2002
			WO	9857174 A1	17-12-1998
WO 03017177	A	27-02-2003	CA	2457432 A1	27-02-2003
			EP	1425695 A2	09-06-2004
			WO	03017177 A2	27-02-2003
			US	2003134304 A1	17-07-2003